




U.S. Department
Of Transportation
Federal Motor Carrier
Safety Administration

Memorandum

Subject: Enforcement of Motor Carriers'
Self-Certification of Compliance with the
Motor Vehicle Safety Standards

Date: AUG 26 2005

From: 
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Associate Administrator for
Enforcement and Program Delivery

In Reply Refer To: MC-ECE

To: Field Administrators
Division Administrators

The purpose of this memorandum is to provide policy guidance to increase highway safety by ensuring that all commercial motor vehicles (CMV) are certified by the vehicle manufacturer or registered importer as complying with all applicable Motor Vehicle Safety Standards in effect at the time of manufacture. This policy is summarized in table format in Attachment 1.

In particular, and in anticipation of the United States (U.S.) and Mexico finalizing NAFTA long-haul cross border operations, Title 49 of the Code of Federal Regulations requires both Mexico-domiciled carriers applying for authority (Form OP-1(MX)) to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border as well as Mexico-domiciled carriers applying for a certificate of registration (Form OP-2) to operate in municipalities or commercial zones on the border, to certify, as part of the application process, that they are in compliance with the Federal Motor Carrier Safety Regulations (FMCSRs), the Hazardous Materials Regulations, and the Federal Motor Vehicle Safety Standards (FMVSS). If FMCSA or State inspectors determine through vehicle inspections or during a pre-authority safety audit that Mexico-domiciled motor carriers are operating vehicles not in compliance with the applicable Motor Vehicle Safety Standards, FMCSA may use this information to deny, suspend or revoke a carrier's operating authority or certificate of registration for making a false certification or issue appropriate penalties for the falsification.

CMVs manufactured to meet United States or Canadian safety standards, and displaying a Vehicle Identification Number (VIN) that meets National Highway Traffic Safety Administration's (NHTSA) or Canada's requirements, are considered to be in compliance. In addition, FMCSA determined, based on information from the Truck Manufacturers Association (TMA), that most model year 1996 and later CMVs manufactured in Mexico meet the FMVSS regardless of whether the vehicle bears FMVSS certification labels. For vehicles which do not have certification labels, it has been determined that enforcement officials should defer to the

VIN on a plate or plates in various locations on the vehicle. The VIN will assist the inspectors in determining what year the vehicle was manufactured to determine compliance with the FMVSS or Canadian Motor Vehicle Safety Standards (CMVSS). Attachment 2 provides a sample VIN plate, including instructions on how to read the VIN to determine year of manufacture.

No adverse action will be taken against vehicles operated by Mexico-domiciled motor carriers with labels certifying compliance with the CMVSS in effect at the time of manufacture. With only a few differences, the Canadian motor vehicle safety standards are identical to the U.S. manufacturing performance standards (the FMVSS), and FMCSA's operating regulations incorporate the FMVSS critical to continued safe operation.

Regardless of whether a vehicle has a certification label, vehicles with violations of the FMCSRs that are serious enough to meet the current out-of-service criteria are to be placed out of service. FMCSA will continue to impose civil penalties for violations of Part 393 of the FMCSRs concerning parts and accessories necessary for safe operation, including regulations that cross-reference the FMVSS. For your convenience, we have included the attached chart (see Attachment 3) which cross references the FMCSRs with the FMVSS.

The Office of Enforcement and Compliance is working with the Office of Information Systems to establish system requirements and operational procedures for implementing the policy. This policy will become effective when these guidelines have been established and modifications to the appropriate software and Motor Carrier Management Information System have been completed. Further guidance will be forthcoming.

I encourage you to work closely with your State Motor Carrier Safety Assistance Program (MCSAP) partners as we implement this policy. If you have questions or need additional information, please contact Mary Pat Woodman at marypat.woodman@fmcsa.dot.gov or by (202) 366-6333.

Attachments

Attachment 1

FMCSA's FMVSS CERTIFICATION LABEL POLICY

Motor Carriers	Applicable Vehicle Safety Requirements	Certification Label Requirements	Exceptions for Displaying Labels
U.S. – Based Motor Carriers	All CMVs must comply with the FMCSRs, including all FMVSSs that are cross-referenced in Part 393, concerning vehicle equipment and components.	Vehicles usually display FMVSS certification label.	VIN that meets NHTSA rule for VINs is acceptable. Also, State-issued VIN is acceptable provided the vehicle is registered in a State.
Canada – Based Motor Carriers.	All CMVs must comply with the FMCSRs, including all FMVSSs that are cross-referenced in Part 393, concerning vehicle equipment and components.	Vehicles usually display either an FMVSS certification label OR a CMVSS certification label.	VIN that meets NHTSA rule for VINs is acceptable. VIN that meets Transport Canada's rule for VINs is acceptable.
Mexico-Based Motor Carriers Operating Within the Commercial Zone. Mexico-Based Motor Carriers Operating Beyond the Commercial Zone.	All CMVs must comply with the FMCSRs, including all FMVSSs that are cross-referenced in Part 393, concerning vehicle equipment and components.	Vehicles may display either an FMVSS certification label OR a CMVSS certification label.	For vehicles of model year 1996 or later, a VIN that meets NHTSA rule for VINs is acceptable. VIN that meets Transport Canada's rule for VINs is acceptable. Any vehicles from earlier model years should not be considered to meet the FMVSS or CMVSS unless there is a certification label.

Vehicle Identification Number (VIN)

Vehicle Description Unique for Each Make and Model of Vehicle

World Manufacturer Identifier (WMI)

- 1 = USA J = Japan
- 2 = Canada K = S. Korea
- 3 = Mexico L = U.K.
- 4 = USA W = Germany
- 5 = USA Z = Italy

First character indicates where the vehicle was built

Model Year Code

- B = 1981 G = 1986 M = 1991 T = 1996 1 = 2001
- C = 1982 H = 1987 N = 1992 V = 1997 2 = 2002
- D = 1983 J = 1988 P = 1993 W = 1998 3 = 2003
- E = 1984 K = 1989 R = 1994 X = 1999 4 = 2004
- F = 1985 L = 1990 S = 1995 Y = 2000 5 = 2005

Plant Code
Alpha or Numeric

Sequential Serial Number - Last 5 Must be Numeric

VIN 3VWFLA1H7TM094929

Check Digit

Must be 1, 2, 3, 4, 5, 6, 7, 8, 9, 0 or X
Calculated using a mathematical formula for determining the validity of the VIN

The VIN plate usually can be found on the dashboard of your vehicle and the driver's door post.



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A Few Tips

- The letters I, O, and Q never appear in a VIN.
- If it's not 17, it's probably not right.
- Always verify the VIN by looking at the vehicle.
- Be careful when dealing with sets of letters & numbers such as:
 - S & 5 • G & 6
 - D & 0 • U & V
 - B & 8 • Z & 2
- When taking VINs over the telephone, reconfirm similar sounds such as:
 - H & 8 • M & N
 - S & F • B & D
 - V & B • J & G

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Federal Motor Carrier Safety Regulations Cross-Referencing Federal Motor Vehicle Safety Standards			ATTACHMENT 3
FMCSR	Title	FMVSS	Title
393.11	Lamps and Reflectors	108	Lamps, Reflective Devices, and Associated Equipment
393.40	Required Brake Systems	105	Hydraulic Brake Systems
393.41	Parking Brakes (being revised to cover entire air brake system)	121	Air Brake Systems
393.45	Brake Tubing and Hose	106	Brake Hoses
393.46	Brake Tubing and Hose Connections	106	Brake Hoses
393.51	Warning Devices and Gauges (for brake systems)	105, 121	Air Brake Systems, Hydraulic Brake Systems
393.53	Automatic Brake Adjusters and Brake Adjustment Indicators	105, 121	Air Brake Systems, Hydraulic Brake Systems
393.55	Antilock Brake Systems	105, 121	Air Brake Systems, Hydraulic Brake Systems
393.60	Glazing in Specified Openings	205	Glazing Materials
393.61	Window Construction	217	Bus Emergency Exits and Window Retention and Release
393.63	Windows, Marking	217	Bus Emergency Exits and Window Retention and Release
393.75	Tires	119	New Pneumatic Tires for Vehicles Other Than Passenger Cars [loading]
"	"	120	Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars
393.80	Rear-Vision Mirrors	111	Rearview Mirrors
393.86	Rear impact guards and rear end protection	223, 224	Rear Impact Guards, Rear Impact Protection (eff. 1/26/98)
393.92	Buses, marking emergency doors	217	Bus Emergency Exits and Window Retention and Release
393.93	Seats, seat belt assemblies, and seat belt assembly anchorages	207	Seating Systems
"	"	208	Occupant Crash Protection
"	"	209	Seat Belt Assemblies
"	"	210	Seat Belt Assembly Anchorages
393.95	Emergency Equipment (Warning Triangles)	125	Warning Devices
More FMV Safety Standards Applicable to Trucks and Buses			
FMVSS	Title		
101	Controls and Displays		
102	Transmission Shift Lever Seq. Starter Interlock, Braking Effect		
103	Windshield Defrosting and Defogging Systems		
104	Windshield Wiping and Washing Systems		
113	-- Hood Latch System		
124	Accelerator Control Systems		
204	Steering Control Rearward Displacement		
206	Door Locks and Door Retention Components (trucks, not buses)		
213	Child Restraint Systems		
302	Flammability of Interior Materials		
304	Compressed Natural Gas Fuel Container Integrity		
FMCSRS that are not cross-referenced in FMVSS			
FMCSR	Title		
Part 325	Compliance with Interstate Motor Carrier Noise Emission Standards		
393.65	Fuel Systems		
393.70	Coupling devices and towing methods, except for driveway-towaway operations		
393.71	Coupling devices and towing methods, driveway-towaway operations		
393.76	Sleeper Berths		
393.77	Heaters		
393.83	Exhaust Systems		
393.84	Floor		
393.86	Rear Impact Guards (for trailers mfd from 1/1/53 through 1/25/98)		
393.89	Buses, driveline protection		
393.90	Buses, standee line or bar		
393.94	Vehicle interior noise levels		
393.106	Front-end structure		